

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
BALTIMORE DIVISION**

Brandon Ripple,	:
	:
	: Civil Action No.: 1:15-cv-2087
Plaintiff,	:
v.	:
	:
Wells Fargo Bank, N.A.,	: COMPLAINT
	:
Defendant.	:
	:
	:

For this Complaint, Plaintiff, Brandon Ripple, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendant's repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (the "TCPA").
2. Venue is proper in this District pursuant to 28 U.S.C. § 1331(b), in that Defendant transacts business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

3. Plaintiff, Brandon Ripple ("Plaintiff"), is an adult individual residing in Baltimore, Maryland, and is a "person" as defined by 47 U.S.C. § 153(39).
4. Defendant, Wells Fargo Bank, N.A. ("Wells Fargo"), is a South Dakota business entity with an address of 101 North Phillips Avenue, Sioux Falls, South Dakota 57104, and is a "person" as defined by 47 U.S.C. § 153(39).

FACTS

5. In or around October 2014, Wells Fargo began calling Plaintiff's cellular telephone, number 443-XXX-7053.

6. Wells Fargo called Plaintiff from telephone number 877-647-8552 using an automatic telephone dialing system (“ATDS”) and an artificial or prerecorded voice.

7. When Plaintiff answered calls from Wells Fargo, he heard a prerecorded message before being connected to a live representative.

8. On or about January 22, 2015, Plaintiff mailed Wells Fargo a letter requesting that all calls to his cellular telephone number cease.

9. Nevertheless, Wells Fargo continued to place automated calls to Plaintiff’s cellular telephone number.

COUNT I
VIOLATIONS OF THE TCPA – 47 U.S.C. § 227, et seq.

10. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

11. At all times mentioned herein, Defendant called Plaintiff on his cellular telephone using an ATDS and a prerecorded or artificial voice.

12. Despite being directing to cease all calls, Defendant continued to place automated telephone calls to Plaintiff’s cellular telephone. As such, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

13. The telephone number called by Defendant was assigned to a cellular telephone service pursuant to 47 U.S.C. § 227(b)(1).

14. The calls from Defendant to Plaintiff were not placed for “emergency purposes” as defined by 47 U.S.C. § 227(b)(1)(A)(i).

15. Plaintiff is entitled to an award of \$500.00 in statutory damages for each call made in negligent violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

16. Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 for each call made in knowing and/or willful violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant:

1. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);
2. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C); and
3. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: July 16, 2015

Respectfully submitted,

By /s/ Sergei Lemberg
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